

AUG. 01 '2002 20:31

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FROM:

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FOR THE RECORD:

DATE: June 7, 2002 URGENCY: ☐ SUPER RUSH ☐ RUSH ☐ REGULAR

FAXED BY: FILE #: 077818 10008 CLIENT NAME: IT 106

CONFIRMED: ☐ YES ☐ NO

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MESSAGE:

Applicants: Elizabeth M. Denholm, Yong-Qing Lin, and Paul J. Silver

Serial No.: 09/715,965

Art Unit: 1651

Filed: November 17, 2000

Examiner: Meller, M.

For: ATTENUATION OF TUMOR GROWTH, METASTASIS AND
ANGIOGENESIS

ATL1 #511177 v1

11
 Dmt
 8-6-02

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing.
 (Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

CHECK BOX, if applicable:
☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
 Box CPA
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Attorney Docket No.
of Prior Application

IT 106

First Named Inventor

Elizabeth M. Denholm

Examiner Name

M. Meller

Group Art Unit

1651

Express Mail Label No.

This is a request for a ☐ continuation or ☐ divisional application under 37 CFR 1.53(d),
 (continued prosecution application (CPA)) of prior application number 09 / 715,965
ATTENUATION OF TUMOR GROWTH, METASTASIS
 filed on 11/17/00, entitled AND ANGIOGENESIS

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(h) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(e).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

[Page 1 of 2]

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PTO/SB/29 (06-00)

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (f))		18 -20* =	0	x \$ _____ =	\$ -0-
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (f))		1 -3** =	0	x \$ _____ =	-0-
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 270.00 =	-0-
				BASIC FEE (37 CFR 1.18)	740.00
				Total of above Calculations =	740.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					370.00
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	370.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-1868:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).
11. ☐ New Attorney Docket Number, if desired _____
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: _____

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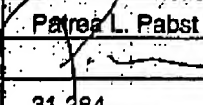
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Name	Patrea L. Pabst				
	HOLLAND & KNIGHT LLP				
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	1201 West Peachtree Street, Suite 2000				
City	Atlanta	State	GA	Zip Code	30309-3450
Country	United States	Telephone	(404) 817-8473	Fax	(404) 817-8588

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Patrea L. Pabst
Signature	
Registration No. (Attorney/Agent)	31,284
Date	August 1, 2002

PTO/SB/97 (12-87)
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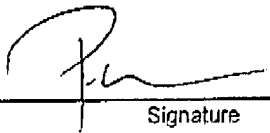
U.S.S.N. 09/715,965
Filed November 17, 2000
CPA, Amendment, Petition for
Extension of Time

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Patrea Pabst

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<p>If this RECEIPT is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the ADDRESS in Item 1.</p>		<p>RECEIPT FOR FACSIMILE TRANSMITTED CPA</p> <p><i>(To accompany a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) filed by facsimile transmission)</i></p>
<p>1. ADDRESS</p>	<p>Applicant's Mailing Address for this receipt <i>must</i> be CLEARLY PRINTED or TYPED in the box below.</p> <p>Patrea L. Pabst HOLLAND & KNIGHT LLP One Atlantic Center 1201 West Peachtree Street, Suite 2000 Atlanta, GA 30309-3400</p>	
<p>NOTE: By this receipt, the PTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the PTO and (b) verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.</p> <p>2. APPLICATION IDENTIFICATION: <i>(Provide at least enough information to identify the application)</i></p> <p>a. For prior application</p> <p>Application No: 09/715,965</p> <p>Filing Date: November 17, 2000</p> <p>Title: ATTENUATION OF TUMOR GROWTH, METASTASIS AND ANGIOGENESIS</p> <p>Attorney Docket No: IT 106</p> <p>First Named Inventor: Elizabeth M. Denholm</p> <p>b. For instant CPA application</p> <p>New Attorney Docket No: _____ <i>(if applicable)</i></p>		
<p>The PTO date stamp, which appears in the box to the right, is an acknowledgement by the PTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.</p> <p>PTO HANDLING INSTRUCTIONS: Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the PTO and also include the PTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail.</p>		<p>(THIS AREA FOR PTO DATE STAMP USE)</p>

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elizabeth M. Denholm, Yong-Qing Lin, and Paul J. Silver

Serial No.: 09/715,965

Art Unit: 1651

Filed: November 17, 2000

Examiner: M. Meller

For: ATTENUATION OF TUMOR GROWTH, METASTASIS AND
ANGIOGENESISAssistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Sir:

Responsive to the Office Action mailed April 1, 2002, please amend the application as follows. A Petition for an Extension of Time for one month, up to and including August 1, 2002, and the appropriate fee for a small entity, are enclosed. Also enclosed is a request for filing a Continuing Prosecution Application.

In the Claims ^{who has cancer}

1. (twice amended) A method to decrease [tumor growth] angiogenesis comprising administering to [tumors in] a site in an individual in need of treatment thereof an effective amount of a purified glycosaminoglycan degrading enzyme to decrease angiogenesis [and thereby reduce tumor growth] at the site, wherein the decrease in angiogenesis is measured as a decrease in endothelial cell proliferation or a decrease in the formation of capillary-like structures.

^{Chondroitinase AC}

^{interest to applicant of enzyme}